

# HOUSE BILL REPORT

## HB 2089

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**As Reported by House Committee On:**  
Ecology & Parks

**Title:** An act relating to food service products.

**Brief Description:** Regarding the use of certain food service products.

**Sponsors:** Representative Chase.

**Brief History:**

**Committee Activity:**

Ecology & Parks: 2/20/09 [DP].

**Brief Summary of Bill**

- Prohibits food service businesses from selling or providing food for consumption in expanded polystyrene food service products, beginning January 1, 2010.
- Prohibits food service businesses from selling or providing food for consumption in or with disposable plastic food service ware, beginning July 1, 2010.
- Creates new definitions.

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### HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase, Dickerson, Dunshee, Eddy, Finn, Hudgins and Morris.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Short, Ranking Minority Member; Kretz, Kristiansen, Orcutt and Shea.

**Staff:** Jaclyn Ford (786-7339)

**Background:**

Seattle Council Bill No. 116250.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In Seattle, expanded polystyrene carryout containers were banned on January 1, 2009, and by July 1, 2010, businesses will have to use only recyclable or compostable containers and utensils. The ban applies to all polystyrene foam products including take-out containers, soup bowls, and coffee cups. The bill was proposed by City Councilmember Richard Conlin in July 2008 and was passed by the City Council through a unanimous 7-0 vote. The objective of the ban is to reduce the cost of solid waste disposal and protect the environment.

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### **Summary of Bill:**

#### Prohibitions.

Beginning January 1, 2010, food service businesses are prohibited from selling or providing food for consumption in expanded polystyrene food service products. However, prepackaged soups and other foods that food service businesses sell or otherwise provide to their customers in expanded polystyrene containers that have been filled and sealed prior to receipt by a food service business are exempt.

Beginning July 1, 2010, food service businesses are prohibited from selling or providing food for consumption in or with disposable plastic food service ware. Acceptable alternatives must be compostable or recyclable.

#### Violations.

A violation is a class I civil infraction and subject to a \$250 fine.

#### Definitions.

"Compostable" means made solely of organic substances that break down into a stable product due to the action of bacteria in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting compost quality standards for metals, physical parameters, pathogens, manufactured inert material, and other testing parameters set by the local health department.

"Disposable plastic food service ware" means nonrecyclable containers, plates, clamshell-style containers, serving trays, meat and vegetable trays, hot and cold beverage cups, and utensils that are made of plastic or plastic-coated paper and intended only for one-time use, including biodegradable products where any portion is not compostable.

"Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

"Expanded polystyrene food service products" means food containers, plates, clamshell-style containers, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of expanded polystyrene and used for selling or providing food for consumption on or off the premises.

"Food service businesses" means full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, and other businesses that sell or provide food for consumption on or off the premises.

"Recyclable" means made solely of materials that are capable of being separated from a waste stream by a food service business and made available for collection and delivery to a processor for reuse or remanufacture into the same or other products.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) We have allowed our garbage to get into the oceans. The chemistry in the oceans has been changing. The burden has been shifted to the commons and future generations. We are responsible to future generations. Plastic has been negatively affecting the natural habitat, species, and humans. Only 12 percent of styrofoam is recycled.

(Opposed) This bill will jeopardize companies that produce the products that will be banned. The companies that make these products are concerned about the environment too. During this economic time, the state should minimize the cost burden on companies. Fair food vendors will be impacted because the products mentioned in the bill may not be available or may be more expensive.

**Persons Testifying:** (In support) Representative Chase, prime sponsor.

(Opposed) Mark Greenberg and Biyuan Chen, American Chemistry Council and Dart Container Corporation; and Heather Hansen, Washington State Fairs Association.

**Persons Signed In To Testify But Not Testifying:** None.